

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARK KAPITI,

07 Civ. 3782 (RMB) (KNF)

Plaintiff,

-against-

RAYMOND W. KELLY, in his official  
Capacity as Commissioner of New York City  
Police Department, Property Clerk, New York  
City Police Department, and The City of New York,

Defendants.

-----X  
THE CITY OF NEW YORK,

**DECLARATION IN SUPPORT  
OF FILING EXHIBITS TO  
PRE-ANSWER MOTION TO  
DISMISS**

Plaintiff,

-against-

AMERICAN HONDA FINANCE CORPORATION  
d/b/a HONDA FINANCIAL SERVICES,

Defendant.

-----X  
STATE OF NEW YORK    )  
                                  ) ss:  
COUNTY OF NEW YORK )

MICHAEL A. ROSENBERG, an attorney duly admitted to practice law before the  
Courts of the State of New York and the Federal Courts, Southern District of New York,  
declares the following under penalty of perjury:

1. I am the attorney for AMERICAN HONDA FINANCE CORPORATION s/h/a  
HONDA FINANCIAL SERVICES ("HONDA"). I make this declaration in connection with this  
matter because of filing difficulties encountered at the time the moving party, HONDA,

submitted its Pre-Answer Motion to Dismiss for filing.

2. On or about May 22, 2008, at the time the Court directed that the Pre-Answer Motion be filed, our office endeavored to electronically file the moving papers, together with the Exhibits referenced in those documents.

3. The Notice of Motion and supporting affidavits were successfully filed, but the Exhibits, which are approximately 150 pages in length were unable to be filed. We were notified by computer notification that the attempt to file the Exhibits was unsuccessful because the Exhibits exceeded 2.5 megabytes.

4. As a result of that notification, we have taken the Exhibits and reformatted the same to accommodate the space requirements of the Electronic Filing System. Those Exhibits are being filed as an attachment to this Declaration.

5. With the filing of this Declaration, together with the Exhibits, the Court's electronic file will be complete. Hard copies of the Exhibits were previously sent to the Court by Federal Express and to the Defendant's attorneys by Federal Express. Service upon the Plaintiff's attorney was effectuated by in hand delivery.

Dated: New York, New York  
June 3, 2008

*s/Michael A. Rosenberg, Esq.*

MICHAEL A. ROSENBERG, ESQ. (8770)

Attorney for Third-Party Defendant

**AMERICAN HONDA FINANCE CORPORATION**

122 East 42<sup>nd</sup> Street, Suite 606

New York, New York 10168

(212) 972-3325